

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

CHARLES W. O'BRYAN JR.

Plaintiff

v.

RODEO EXPRESS CHARTER, ET AL.

Defendant

Civil Action No. CV 08-03367 RS

Summons in a Civil Action

To: (Defendant's name and address)

Javier Hernandez  
326 Phelan Avenue  
San Jose, CA 95112

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:  
Charles W. O'Bryan, Jr  
1275 Ashcroft Lane, San Jose, CA 95110

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wiering

Name of clerk of court

Betty J. Walker

Deputy clerk's signature

Date: July 16, 2008

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

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**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

- (1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or
- (4) returning the summons unexecuted to the court clerk on \_\_\_\_\_; or
- (5) other (specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address